

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

In re CTI BIOPHARMA SHAREHOLDER
DERIVATIVE ACTION

NO. 2:16-cv-00756-RSL

Consolidated with 2:16-cv-01250-RSL

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITH
PREJUDICE**

STIPULATION

WHEREAS, the parties ("Federal Settling Parties") to the above-referenced action entered into a Stipulation of Settlement dated October 24, 2017;

WHEREAS, said Stipulation of Settlement resolved the claims asserted in the above-referenced action as part of a global settlement of derivative claims brought on behalf of the Nominal Defendant CTI Biopharma Corp. that also included two actions brought in the Superior Court of the State of Washington for King County, captioned *Hammond v. Bianco, et al.*, 16-2-05818-3, and *Eley v. Bianco, et al.*, 16-2-14422-5;

WHEREAS, on January 31, 2018, the Superior Court of the State of Washington for King County held a final Fairness Hearing to consider the fairness and adequacy of the Stipulation of Settlement and entered an Order Approving Settlement and Judgment ("Final Order") on January 31, 2018;

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1 WHEREAS, the time to appeal from said Final Order has run and no appeal has been filed;

2 WHEREAS, the Federal Settling Parties and their respective counsel agree that at all times
3 the Federal Settling Parties and their counsel complied with the requirements of Rule 11 of the
4 Federal Rules of Civil Procedure;

5 WHEREAS, the Federal Settling Parties desire to consummate the final steps of the
6 Stipulation of Settlement by requesting this Court's approval of the dismissal of this action;

7 IT IS THEREFORE HEREBY STIPULATED AND AGREED,

8 Pursuant to Fed. R. Civ. P. 41(a)(2), the terms of the Stipulation of Settlement, and the terms
9 of the Final Order, the Federal Settling Parties hereby stipulate to the voluntary dismissal of this
10 action with prejudice, on the merits, based on res-judicata principles, and with each party bearing its
11 own costs, and seek this Court's approval of said dismissal.

12 Dated this 7th day of March, 2018.

13 Respectfully submitted,

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ORDER

Pursuant to the foregoing Stipulation, this action and all claims asserted herein are

DISMISSED WITH PREJUDICE.

DATED this 7th day of March, 2018.



ROBERT S. LASNIK

UNITED STATES DISTRICT JUDGE

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